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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/694,167

10/27/2003

Jan Ryderstam

81044557 (201-0705)

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28415 7590 02/22/2007  
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EXAMINER

NGUYEN, CUONG H

ART UNIT

PAPER NUMBER

3661

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/694,167

Applicant(s)

RYDERSTAM ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/11/06 (the amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

***Response***

1. The amended phrase of “the percentage of available tractive force” does not make the pending claims allowable since a step of displaying (these data) to a driver is not inventive, this is merely a driver’s estimation. The examiner respectfully maintains prior interpretation for rejections on the applicant’s pending “method” claims (note: claiming a tractive force of a vehicle is merely claiming a certain/specific force applying on a vehicle).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8, and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitano et al (US Pat. 6,528,959).

A. As per claim 1, Kitano discloses about determining a tractive force request of a driver of the vehicle; determining/demanding an actual tractive force of the vehicle; and modifying the actual tractive force of the vehicle to be equal to the tractive force request/demand (see Kitano, FIG.3 “actual tractive force” is “TARGET FRONT-WHEEL DRIVING FORCE” S35 and “CALCULATE TARGET FRONT-WHEEL DRIVING FORCE” is a modifying/modeling step; column 3, lines 35-48, column 7, lines 18-24, 57-67, figures 2, 3, 29).

B. As per claim 2, Kitano discloses measuring the actual speed of the vehicle (see Kitano, FIG.4, and column 3, lines 32-33); sensing a position of the acceleration pedal (see Kitano,

column 12, lines 14-17); looking up the tractive force request corresponding to the actual speed and the position of the acceleration pedal (see Kitano, the abstract).

C. As per claim 3, Kitano discloses estimating/calculating/modeling the actual tractive force (see Kitano, Fig.3 with a step of "CALCULATE TARGET FRONT-WHEEL DRIVING FORCE" S35, and the abstract).

D. As per claims 4 and 14, Kitano discloses about calculating/estimating/modeling the tractive force as a function of the vehicle speed (see Kitano, FIG.4, and the abstract).

E. As per claims 5, 8, and 15, Kitano discloses a percentage of available/"WITHIN THE RANGE" tractive force of the vehicle (see Kitano, column 41, lines 1-15).

F. As per claim 13, Kitano discloses determining a tractive force request of a driver of the vehicle; determining an actual tractive force of the vehicle; and modifying the actual tractive force of the vehicle to be equal to the tractive force request (see Kitano, same rationales to rejection of claim 1 above; also column 3, lines 35-48, column 7, lines 18-24, 57-67 and figures 2, 3, 29); measuring the actual speed of the vehicle (with a vehicle speed-detecting means, see Kitano, column 3, lines 32-33); sensing a position of the acceleration pedal (e.g., using a position sensor as sensor 13; see Kitano, column 12, lines 14-28); looking up the tractive force request corresponding to the actual speed and the position of the acceleration pedal and modeling actual tractive force (e.g., Kitano suggests about "looking up respective tables"; see Kitano, FIG.4, col.15 lines 18-26, and the abstract).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-7, 9-12, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitano et al (US Pat. 6,528,959).

The rationales and reference for rejections of above REJECTED claims are incorporated.

Kitano does not disclose about “the request for the percentage of available tractive force”; however, Kitano suggests about using “tractive force in range” that including specifying a percentage of available tractive force – for example, 100% of available tractive force (a maximum number) reads on claimed language.

It would have been obvious to one with ordinary skill in the art to implement Kitano’s teaching to specify a step that teaches a percentage of available tractive force for an advantage of deriving a more accurate calculation of tractive force demanded.

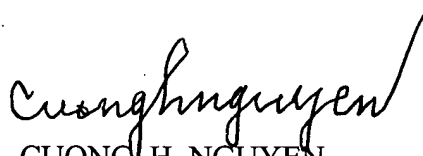
#### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3661